

REMARKS

The final Official Action of January 11, 2007, and the prior art cited and relied upon therein have been carefully studied. The claims in the application are now claims 1, 3, 4, 6, 8, 63, and 66-72, and these claims define patentable subject matter warranting their allowance. Favorable reconsideration and such allowance are respectfully urged.

Claims 2, 5, 7, 9-10 and 36-37 have been cancelled and claims 11-35, 38-62 and 64 and 65 withdrawn from consideration. Claims 1, 3, 4, 6, 8, 63, and 66-72 remain in the application for consideration.

The Examiner has rejected claims 1, 6-8 and 66-72 under 35 U.S.C. §102(b) as being anticipated by Littman ;337 and claims 1, 7-8 and 66-72 under 35 U.S.C. §102(b) as being anticipated by Kai '279. Applicant respectfully traverses both of these rejections as applied to the claims as amended.

Applicant first notes that the Examiner's rejection under both Littman and Kai are directed to each reference's description of producing tear open pouches or bags as shown in Fig. 1 of Littman and Fig. 6 of Kai.

Distinguished features of the amended claims are found in that:

- (1) the tearable thermoplastic resin film has a plurality of substantially parallel spaced apart linear scratches formed on one side surface of the film, where
- (2) the scratches extend the entire longitudinal length of the film and are evenly spaced apart from each other over the entire transverse width of the film,
- (3) the linear scratches are easily torn straight in one direction regardless of the orientation of the original film from any point along any of said plurality of linear scratches, and
- (4) the depth of the linear scratches is 1 to 40% of the thickness of the film and intervals of the linear scratches are 10-200  $\mu\text{m}$ .

With regard to the rejection based on Littman, Fig. 1 clearly does not teach a tearable thermoplastic resin film having a plurality of substantially parallel spaced apart linear scratches formed on one surface of the film which extend over the entire longitudinal length of the film. Fig. 1 of Littman shows only a tearable thermoplastic resin film having a plurality of substantially parallel spaced apart

linear transverse lines formed on the portion to be sealed of the film sheet 10 where film sheet 10 or two longitudinal sheets therefrom can be separated so as to form a plurality of pouches (see Col. 7, lines 59-63 of Littman).

Further, Littman teaches that:

"If one cuts or folds along lines 25 and 30, appropriately aligns front and rear portions 10F and 10R and seals at areas 20, 21 and areas 40, the result is an open pouch 50 (Fig. 2) (see Col. 8, lines 7-10 of Littman).

This means that Lines #25, where film sheet can be slit or folded to form two longitudinal sheet for the front and rear of the pouch, and #30 in Fig. 1 of Littman are used for preparing an open pouch 50 as shown in Fig. 2 after cutting or folding the film sheet 10 long line #25 and cutting along line #30 followed by sealing at roughening area 20 and area 40 of the cut sheet films having front and rear portions 10F and 10R.

According to Littman, after the product to be packaged within pouch 50 is loaded therein, opening 45 is sealed and the result is sealed filled pouch 50A (Fig. 2A), and the sealed filled pouch 50A, so that an end user can tear open pouch 50A at seal 20A perpendicularly to seal 20A near seals 40A which are perpendicular to seal 20A. In particular, as shown in Fig. 9A, an end user can tear in the directions

indicated by arrows 20B, and the resultant tear will be easy and controlled due to the roughening formed at seal 20A, not scratches, provided on the outer or inner surface for one or both faces of the pouch for at least the full width of at least one seal edge, and even across the width of the pouch, the resulting pouch having an easy-to-tear opening feature edge at the localized area(s) of the sealed margin of the pouch corresponding to the roughened surfaces (see Col. 8, lines 11-20: Col. 5, line 67 to Col. 6, line 7 of Littman), whose features are completely different from the claimed invention. The claimed tearable thermoplastic resin film has a plurality of substantially parallel spaced apart linear scratches formed on one side surface of the film, wherein the scratches extend the entire longitudinal length of the film and are evenly spaced apart from each other over the entire width of the film as mentioned as the distinguishing features (1) and (2) above.

Moreover, Littman does not teach or suggest the features such that the linear scratches are easily torn straight in one direction regardless of the orientation of the original film from any point along any of the plurality of linear scratches and the depth of the linear scratches is 1 to 40% of the thickness of the film and intervals of the linear

scratches are 10 to 200  $\mu\text{m}$  mentioned above as the distinguishing features (3) and (4) of the claimed invention.

Applicant respectfully submits that claim 1 and claims dependent therefrom patentably define over Littman on the basis of the structural differences identified above.

With regard to the rejection based on Kai, Fig. 6 shows the starting film intended for use in producing the bags shown in Fig. 7. As indicated in Col. 5, lines 42-60, the sheet 1 having scratches 3 formed on the cross sectional portion 2 shown in Figs. 1 and 3 is cut along edges 5 and 6 and the edges 4 and 5 fused together to form the bags shown in Fig. 5 and 7. There is no teaching in Figs. 6 of scratches extending the entire longitudinal length of sheet 1 as claimed. Scratches 3 are clearly transverse to the longitudinal length of sheet 1 as shown in Figs. 1, 3 and 6.

Although Kai teaches a plurality of densely formed random scratches or cuts having notches toward the other side of the film, formed along the edges thereof (see Abstract, claims 1 and 2; and Fig. 6 in view of Figs. 5 and 7 of Kai), Kai does not teach or suggest the features such that the linear scratches are easily torn straight in one direction regardless of the orientation of the original film from any point along any of the plurality of linear scratches, and the depth of the linear scratches is 1 to 40% of the thickness of

the film and intervals of the linear scratches are 10 to 200  $\mu\text{m}$  mentioned above as the distinguishing features (3) and (4) of the claimed invention.

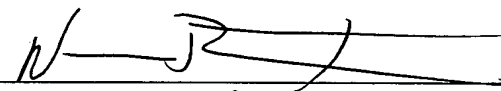
Applicant respectfully submits that claim 1 and claims dependent therefrom patentably define over Kai on the basis of the structural differences identified above.

The prior art documents made of record and not relied upon have been noted along with the implication that such documents are deemed by the PTO to be insufficiently pertinent to warrant their applications against any of applicant's claims.

Favorable reconsideration and allowance are earnestly solicited.

Respectfully submitted,

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